

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MASSACHUSETTS**

BSH HOME APPLIANCES  
CORPORATION, a Delaware corporation,

Plaintiff,

v.

Case No. 1:12-cv-11590-WGY

THE JULIA CHILD FOUNDATION FOR  
GASTRONOMY AND THE CULINARY  
ARTS, a Massachusetts charitable trust, and  
DOES 1-10, inclusive,

Defendants.

**DEFENDANT JULIA CHILD FOUNDATION'S 12(b)(6) MOTION TO DISMISS  
AND, IN THE ALTERNATIVE, MOTION FOR RECONSIDERATION OF DENIAL OF  
MOTION TO TRANSFER VENUE TO THE CENTRAL DISTRICT OF CALIFORNIA**

Defendant The Julia Child Foundation for Gastronomy and the Culinary Arts (the "Julia Child Foundation") hereby moves, pursuant to Fed. R. Civ. P. 12(b)(6) and the Declaratory Judgment Act, 12 U.S.C. §2201, to dismiss Plaintiff's Complaint in the instant action. In the alternative, the Julia Child Foundation respectfully requests that the Court reconsider its denial of Defendant's Motion to Transfer Venue to the Central District of California, filed with the Court on September 11, 2012 (Dkt. No. 13).

As grounds for this Motion, the Julia Child Foundation refers the Court to the herewith filed Memorandum of Law in support of this Motion.

DATED: October 4, 2012

Respectfully submitted,

THE JULIA CHILD FOUNDATION  
FOR GASTRONOMY AND THE  
CULINARY ARTS

By its counsel

/s/ Charles J. Harder

Charles J. Harder (CA State Bar No. 184593)  
(admitted *pro hac vice*)  
WOLF RIFKIN SHAPIRO  
SCHULMAN & RABKIN, LLP  
11400 W. Olympic Boulevard, Suite 900  
Los Angeles, California 90064  
Telephone: (310) 478-4100  
Facsimile: (310) 479-1422  
Email: [CHarder@WRSlawyers.com](mailto:CHarder@WRSlawyers.com)

/s/ David A. Kluft

Julia Huston (BBO #562160)  
David Kluft (BBO# 658970)  
Anthony E. Rufo (BBO #675542)  
FOLEY HOAG LLP  
Seaport West  
155 Seaport Boulevard  
Boston, Massachusetts 02210-2600  
Telephone: (617) 832-1166  
Facsimile: (617) 832-7000  
Email: [JHuston@FoleyHoag.com](mailto:JHuston@FoleyHoag.com)  
[DKluft@FoleyHoag.com](mailto:DKluft@FoleyHoag.com)  
[ARufo@FoleyHoag.com](mailto:ARufo@FoleyHoag.com)

**LOCAL RULE 7.1(a)(2) CERTIFICATE AND CERTIFICATE OF SERVICE**

I hereby certify pursuant to Local Rule 7.1(a)(2) that the moving party has conferred in good faith with opposing counsel on the matter set forth herein.

I further certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on the above date.

/s/ Anthony E. Rufo

B4057477.